

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MONICA TORRES,

Plaintiff,

v.

Cause No. 2018-CV-0599

TOWN OF BERNALILLO, BERNALILLO  
POLICE DEPARTMENT and CHIEF TOM  
ROMERO, in his individual and representative  
capacity,

Defendants.

NOTICE OF REMOVAL OF CAUSE

COME NOW Defendants, Town of Bernalillo, Bernalillo Police Department and Chief Tom Romero, (hereinafter the “Bernalillo Defendants”), by and through their attorney of record, the Law Offices of James P. Lyle, P.C. (James P. Lyle), and pursuant to U.S.C. Title 28, §§1441 and 1446, notify this Honorable Court that the above entitled cause has been removed from the District Court for the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico, to the United States District Court for the District of New Mexico. In support of said Notice, defendants state as follows:

1. On or about May 15, 2018, plaintiff caused to be filed in the District Court the Thirteenth Judicial District, County of Sandoval, State of New Mexico, Case No. D-1329-CV-2018-01204, a complaint seeking judgment against the Bernalillo Defendants.

2. The Complaint asserts claims or rights arising under the Constitution of the United States. The Complaint was served on the Town of Bernalillo on or about June 25, 2018. As of this time, no return of service has been filed with the Thirteenth Judicial District Court for

these defendants, or any other named defendants.

3. The Complaint is a civil action over which this Court has jurisdiction pursuant to the Civil Rights Act of 1964; Title VII and related federal laws, and which is removable by Defendants under the provisions of 28 U.S.C. §1441, in that the claims or a portion of the claims arise under federal law.

4. In accordance with D.N.M. LR-Cv. 81.1a, copies of all process and pleadings served upon the Bernalillo Defendants, in the Thirteenth Judicial District Court No. D-1329-CV-2018-01204, are being filed with this Notice.

5. This Notice of Removal was filed with this Court within thirty (30) days after service of the Complaint, which is the first pleading asserting federal constitutional claims against the Bernalillo Defendants.

6. The Bernalillo Defendants, upon the filing of this Notice of Removal, gave written notice of the filing to plaintiff as required by 28 U.S.C. § 1446(D), and filed a copy of this Notice of Removal with the Clerk of the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico, to the United States District Court for the District of New Mexico, pursuant to the provision of 28 U.S.C. § 1441.

Respectfully submitted,

LAW OFFICES OF JAMES P. LYLE, P.C.

/s/ James P. Lyle, Attorney

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*Attorney for the Bernalillo Defendants*

I hereby certify that a true copy of the foregoing pleading was served upon all counsel of record via CM/ECF filing of this pleading with the United States District Court For the District Of New Mexico this 26th day of June, 2018.

/s/ James P. Lyle, Attorney

James P. Lyle